

**REGULAR CITY COUNCIL MEETING
FRISCO MUNICIPAL COMPLEX
8750 MCKINNEY ROAD
COUNCIL CHAMBERS
FRISCO, TEXAS 75034
6:30 P.M.**

October 15, 2002

MINUTES

1. Call to Order

Mayor Simpson called the meeting to order at 6:30 p.m. and announced a quorum was present.

Council members present were: Mayor Simpson, Mayor Pro-Tem Reveal, Deputy Mayor Pro-Tem Maso, Council member Nichols, Council member Allen, Council member West and Council member Lafata.

Staff present were: City Manager George Purefoy, Assistant City Manager Scott Young, Assistant City Manager Jason Gray, Director of Planning and Development John Lettelleir, City Engineer Frank Jaromin, City Attorney Richard Abernathy and City Secretary Nan Parker.

2. Invocation.

Dr. Taylor Gardener, Stonebriar Community Church led the prayer.

3. Pledge of Allegiance.

Deputy Mayor Pro-Tem Maso led the audience in the Pledge of Allegiance.

4. Citizen Input

Michael Osuna was present to address the council voicing concerns about the potential zoning policies that would increase the density of single family and patio homes within the City.

Langley Ruede spoke against a policy of increased density zoning within the city.

Mark Pitts voiced concerns regarding two collector streets. He stated the streets of concern were Twin Falls and High Shoals.

Discussion only, no formal action was taken.

5. Reports

The Council discussed the following: Discussion only, no formal action was taken.

- a) Gary Burns Fun Run Information
- b) Public Works Monthly Report
- c) Quarterly Update for Asset Management Systems
- d) Project Status Tracking Reports

6. Consent Agenda

The Consent Agenda was considered for approval. Mayor Pro-Tem Reveal moved to remove items B. and J. Council member Nichols seconded the motion. Motion carried. Vote: unanimous.

Council member Allen moved to approve the Consent Agenda as presented, excluding Items B. and J. Council member West seconded the motion. Motion carried. Vote: unanimous.

- A. Approval of the Minutes of the Regular City Council Meeting of October 1, 2002. (City Secretary)

- B. **Approval of approval of an Agreement for the Codification of Ordinances by and between the City of Frisco and Municipal Code Corporation and adoption of a Resolution authorizing the City Manager to sign the Agreement. (City Secretary)**

Mayor Pro-Tem Reveal requested that the word "edit" be stricken from the contract.

Following discussion, Mayor Pro-Tem Reveal moved to adopt **Resolution No. 02-10-148R** therein approving the Agreement for the Codification of Ordinances by and between the City of Frisco and Municipal Code Corporation and the City subject to the deletion of the word "edit" and authorized the City Manager to sign the agreement. Council member Nichols seconded the motion. Motion carried. Vote: unanimous.

- C. Approval of approval of Pay Advance Number 12 for \$5,559,860.42 to H. C. Beck for work regarding the Frisco Sports Complex. (City Manager's Office/SY)

- D. Adoption of **Resolution No. 02-10-149R** authorizing the participation of the City of Frisco with other Texas cities in the Texas Coalition of Cities for Franchised Utility Issues and naming a representative to the Steering

Committee and authorizing payment of a participation fee. (City Manager's Office/KH)

- E. Adoption of **Resolution No. 02-10-150R** authorizing the City Manager to execute an Interlocal Agreement by and between the City of Frisco and Tarrant County, Texas. (City Manager's Office/KH)
- F. Approval of Invoice Number 00145999 in the amount of \$39,731.93 and Invoice Number 0014598 in the amount of \$2,000.00 for the Senior Center for Professional Services Payment to F&S Partners. (Parks and Recreation)
- G. Approval of payment of Invoice Number 19 for \$1,243.75 to Architects Phelps/Wood for contract administration costs associated with the construction of Fire Station 4. (Fire Department)
- H. Approval of Professional Services Payment, Invoice Number 140004 for \$4,579.84 for the Trails Neighborhood Park, to Newman, Jackson, Bieberstein Landscape Architects. (Parks and Recreation)
- I. Approval of Pay Application Number 1 in the amount of \$86,735.95 to NEMA 3 Electric, Inc. for the Youth Center Park Athletic Lighting Development (Parks and Recreation)
- J. **Approval of the Pay Estimate Number 7 in the amount of \$117,150.42 to Frisco Industrial Partners, Ltd. for the Eldorado Parkway Extension to FM 2934. (Engineering)**

Mayor Pro-Tem Reveal asked about the status of the Change Order. City Engineer Frank Jaromin stated the Change Order was been issued several months ago.

Following discussion, Mayor Pro-Tem Reveal moved to approve Pay Estimate Number 7 for \$117,150.42 to Frisco Industrial Partners, Ltd. for the Eldorado Parkway Extension to FM 2934. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

- K. Approval of Pay Estimate Number 14 in the amount of \$99,852.35 to Mario Sinacola and Sons for Frisco Square, Phase 1. (Engineering)
- L. Approval of Pay Estimate Number 15 in the amount of \$18,662.05 to Mario Sinacola and Sons for Frisco Square, Phase 1. (Engineering)
- M. Approval of the Final Payment Estimate in the amount of \$29,314.87 to Tiseo Paving Company for Rolater Road, Phase 5. (Engineering)

- N. Approval of Pay Estimate Number 11 in the amount of \$767,428.33 to Site Concrete, Inc. for Eldorado Parkway (Preston to Hillcrest). (Engineering)
- O. Approval of Pay Estimate Number 2 in the amount of \$37,190.60 to JG Builders, Inc. for the Downtown Parking Lot Project. (Engineering)
- P. Approval of Pay Estimate Number 4 in the amount of \$11,045.25 to QTE Group, Inc. for the Frisco Square, Phase 2. (Engineering)
- Q. Award of bid number 0209-038 in the amount of \$89,000.00 provided by Emergency Vehicles of Texas for one used ambulance of 1999 model year or newer. (Fire Department)
- R. Approval of ratification of Settlement Agreement by and between the City of Frisco and Walter Richard Dowd and Laurel A. Dowd and adoption of **Resolution No. 02-10-151R** therein authorizing the City Manager to execute the Agreement. (City Manager/GP)
- S. Approval of ratification of an Agreement by and between the City of Frisco and Data Prose, Inc. and adoption of **Resolution No. 02-10-152R** therein authorizing the City Manager to execute the Agreement. (City Manager's Office/KH)
- T. Adoption of **Resolution No. 02-10-153R** calling a Public Hearing regarding designation of a Reinvestment Zone. (City Manager/GP)

END OF CONSENT AGENDA

8. Legislative Agenda

The Legislative Agenda was considered for approval. Mayor Pro-Tem Reveal stepped down from the table for a brief moment. Council member Lafata moved to approve the Legislative Agenda. Council member Allen seconded the motion. Motion carried. Vote: 5-0. (Mayor Pro-Tem Reveal did not vote).

- A. Approval of a Preliminary Site Plan: Celebration Covenant Church. A church, two multipurpose buildings, and two athletic fields on 25.8± acres on the east side of Teel Parkway, 1,200± feet south of Main Street. Zoned Information & Technology. Neighborhood #41. Applicant(s): Celebration Covenant Church (Planning Dept. - LS)
- B. Approval of a Site Plan & Final Plat & Conveyance Plat: Celebration Covenant Church Addition, Block A, Lots 1 and 2. A church and an athletic field on 25.8± acres on the east side of Teel Parkway, 1200± feet

south of Main Street. Zoned Information & Technology. Neighborhood #41. Applicant(s): Celebration Covenant Church (Planning Dept. - LS)

- C. Approval of Site Plan & Final Plat: Frisco King Addition, Block A, Lot 1. A veterinarian clinic on 1.1± acres on the east side of Preston Road, 910± feet south of Hickory Street. Zoned Commercial-1. Neighborhood #19. Applicant(s): Preston Rolater Land & Cattle (Planning Dept. - LS)

END OF LEGISLATIVE AGENDA

Regular Agenda

8. Update from Jerry Roy, Superintendent of Lewisville Independent School Board of Trustees, on construction plans and timeline for Tom Hicks Elementary School. (City Council/MS)

Dr. Jerry Roy, Superintendent of Lewisville Independent School District, was present to address the council regarding construction of Tom Hicks Elementary School. Discussion only, no formal action was taken.

9. Staff Report and City Council Direction on Citizen Complaint on Ghost Ranch on the Northeast Corner of Coit Road and S.H. 121; and possible ratification of letter agreement with Wayne Kirk. (Planning Depart. – JL)

Director of Planning and Development John Lettelleir stated that he had spoken to Ms. Jill Howard since the last meeting regarding the seasonal permit issued to Wayne Kirk.

Dianne Moeck addressed the Council requesting approval to serve hot food, ie hamburgers and hot chocolate at the Ranch.

Ty Gerot was present to speak in favor of food sales.

Jill Howard was present to address the council concerning the noise. She stated that she had presented the petition based solely on the noise and that she did not object to the facility in principle.

Jackie Beitler was present to address the council stating her support of the horse ranch and petting zoo.

Wayne Kirk, operator was present to address the council requesting their approval of the ranch. He stated that his business is operating as a non-profit organization. In addition, he stated that he contributes to the community, in addition to providing recreation for kids; they have planned a hayride for senior

citizens and have contributed to the Gary Burns' Fun Run in support of the Frisco Educational Foundation. He informed the council that they have cut down on the noise since he became aware of the complaints.

Mike Eagen, Attorney, representing Mr. Kirk was present to address questions from the council.

Following discussion, Council member Lafata moved to approve the following:

- 1) Allow the Ghost Ranch to remain open until 1:00 a.m. on Friday and Saturday with all outside noise to be terminated at 11:00 p.m.
- 2) Staff to work with the caterer regarding the hot food issues, and
- 3) Mr. Kirk to remain compliance with the letter provided to him from Donnie Mayfield.

Council member Allen seconded the motion. Motion carried. Vote: unanimous.

10. Consider and act upon approving the contract with Willow One Designs, Ltd. (Anita Pauwels), for Artwork on Preston Road and adopt a Resolution authorizing the City Manager to execute the Agreement. (Parks and Recreation)

Dudley Raymond was present to address the council regarding the contract with Anita Pauwels dba Willow One Designs, Ltd. for Artwork on Preston Road.

Mayor Pro-Tem Reveal stated that she had been approached by the Heritage Association requesting consideration of Art that would reflect some of the past heritage of agriculture, i.e. farmer behind a plow or something similar. Mr. Raymond stated that this issue would be addressed in Phase II.

Following discussion, Mayor Pro-Tem Reveal moved to adopt **Resolution No. 02-10-154R** therein approving the Agreement with Willow One Designs, Ltd. (Anita Pauwels), for Artwork on Preston Road and authorizing the City Manager to sign the agreement. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

11. Consider and act upon approval of a Contract to Commission Artwork by Darrell Davis and ratify Resolution Number 02-10-145R authorizing the City Manager to execute the Contract. (Parks and Recreation)

Dudley Raymond was present to address the Council regarding the contract with Darrel Davis regarding the additional Artwork.

Following discussion, Mayor Pro-Tem Reveal moved to ratify **Resolution No. 02-10-154R** approving the Contract to Commission Artwork by Darrell Davis and

authorizing the City Manager to execute the contract. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

12. Consider and act upon approval of an agreement by and between the City of Frisco, Texas and the Dallas Off-Road Bicycle Association for the design, construction, and maintenance of Off-Road Biking Trails and adoption of a Resolution authorizing the City Manager to execute the Agreement. (Parks and Recreation/DR)

Dudley Raymond addressed the council regarding DORBA.

Jeanne Patterson and Ed Horn were present to address the council regarding DORBA and the commitment they are making to the city for the design, construction, and maintenance of off-road biking trails.

Following discussion, Council member Allen moved to adopt **Resolution No. 02-10-156R** therein approving the agreement subject to:

- 1) Final review and revisions by the City Attorney,
- 2) Multi-use to include trails for runners and walkers,
- 3) Installation of Port-A-Pot(s) on trails; and
- 4) Designation of the City Manager as the signatory on the agreement.

Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

13. Consider and act upon appointment of one individual to the Library Board. (City Secretary)

Mayor Pro-Tem Reveal moved to open the floor for nominations. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

Mayor Pro-Tem Reveal nominated Jimmie McGill.

Mayor Pro-Tem Reveal moved that nominations cease. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

Ms. Jimmie McGill was appointed by acclamation, term to expire July 2004.

14. Consider and act upon adoption of a Resolution authorizing the City Manager to sign an Interlocal Cooperation Agreement by and between the City of Frisco and Denton County for contributing funds for the preparation of plans, specifications, and engineering for the construction of FM 423 from Stewart Creek Road to US 380 in the amount of 1,950,000.00. (Engineering)

Scott Young, Assistant City Manager, address the council regarding an Interlocal Agreement for improvements to FM 423 from Stewart Creek Road to US 380.

Following discussion, Mayor Pro-Tem Reveal moved to adopt **Resolution No. 02-10-157R** therein approving and authorizing the City Manager to execute an Interlocal Agreement by and between Denton County and the City for contributing funds for the preparation of plans, specifications, and engineering for the construction of FM 423 from Stewart Creek Road to US 380 in the amount of 1,950,000.00. (Engineering). Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

15. Consider and act upon funding the construction of a U-Turn Crossing at the Southside of Gaylord Parkway and Dallas Parkway. (City Manager/SY)

Presentation by Assistant City Manager Scott Young regarding the construction of a U-Turn crossing at the south side of Gaylord Parkway and Dallas Parkway.

Following discussion, Mayor Pro-Tem Reveal moved to approve the construction of the U-Turn crossing with the addition of \$21,000.00 so that the construction may be completed by April 3, 2002. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

16. Presentation regarding update on Bond Package. (City Manager's Office)

City Manager George Purefoy updated the council on the bond package and future sales. Discussion only, no formal action was taken.

17. Consider and act upon authorizing the City Manager to enter into negotiations with F&S Architects for architectural services for the future Recreation/Aquatic Center. (City Manager/SY)

Assistant City Manager Scott Young was present to review the RFQ process for the architectural services for the future Recreation/Aquatic Center.

Following discussion, Council member West moved to authorize the City Manager and/or his designee to enter into negotiations with F&S Architects for architectural services for the future Recreation/Aquatic Center. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

18. Consider and act upon authorizing the City Manager to enter into negotiations with PGAL for architectural services for the Police Holding Facility. (City Manager/SY)

Assistant City Manager Scott Young was present to review the RFQ process for the architectural services for the future Police Holding Facility.

Following discussion, Council member Lafata moved to authorize the City Manager and/or his designee to enter into negotiations with PGAL for architectural services for the future Police Holding Facility. Council member West seconded the motion. Motion carried. Vote: unanimous.

19. Consider and act upon authorizing the City Manager to enter into negotiations with HHPA for architectural services for the future City Hall. (City Manager/SY)

Assistant City Manager Scott Young was present to review the RFQ process for the architectural services for the future City Hall.

Following discussion, Council member West moved to authorize the City Manager and/or his designee to enter into negotiations with HHPA for architectural services for the future City Hall. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

20. Discussion and Staff Direction of Contractors or Builders ending work in the middle of a project. (City Council/MM)

Discussion only, no formal action was taken.

Before discussion of Item No. 21, Mayor Pro-Tem Reveal moved to recess into Closed Session at 9:00 p.m. Council member Nichols seconded the motion. Motion carried. Vote: unanimous.

Mayor Simpson announced the council was in Closed Session at 9:00 p.m. as authorized by Texas Government Code Section §551.071 - Private consultation with the attorney for the City.

Deputy Mayor Pro-Tem Maso moved to reconvene into Regular Session at 9:30 p.m. Council member West seconded the motion. Motion carried. Vote: unanimous.

21. Consider and act upon approval of a Revised Site Plan & Revised Final Plat: Mathesa Addition, Block A, Lot 1 (JC Professional Building). An office building on one lot on 4.8± acres on the west side of Preston Road, 460± feet north of Wade Boulevard. Zoned Office-2. Neighborhood #23. Applicant(s): JC Development (Planning Dept. – MH)

Director of Planning John Lettelleir updated the Council on Staff's recommendations.

Jim Newman requested the Council approve his request to withdraw the application.

Following discussion, Deputy Mayor Pro-Tem Maso moved to accept the request to withdraw the application. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

22. APPEAL: Public Hearing: Zoning Case Z2002-0017, A request to rezone 6.0± acres from Agricultural to Retail on the north side of Main Street, 1,550± feet east of F.M. 423. Neighborhood #44. Applicant(s): 1200 F.M. 720 Assoc., Ltd. Consider and act to instruct staff to prepare an Ordinance on the above request. TABLED 10/01/2002. (Planning – LS)

Deputy Mayor Pro-Tem Maso moved to open the public hearing. Council member West seconded the motion. Motion carried. Vote: unanimous.

Council member Nichols moved to remove the item from the table. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

Doug Mousel updated the Council on staff and the Planning and Zoning's recommendations to deny the request.

Mark Demattia, Tonya Principal, Dana Pray, David Demattia, Joe Riddenton, Suzanne Demattia, Kirk Smith and Mike Waldsmith spoke in favor of the request.

Michael Osuna spoke, neither for or against the request, but concerned that if the indoor soccer facility is not constructed, what would happen.

Mark Pitts spoke against the request.

There being no one else present to address the council, Mayor Pro-Tem Reveal moved to close the public hearing. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

Council member Lafata moved to instruct staff to prepare an ordinance that would 1) zone the property as a Planned Development – Retail, 2) the front one acre may be permitted as a pad site for a family restaurant with no beer, wine, or alcohol sales and no smoking, 3) back five acres to have an indoor soccer

complex and/or incidental uses, 4) compliance with the Preston Road Overlay District requirements and 5) submission of a development plan. Deputy Mayor Pro-Tem Maso seconded the motion. Voting Aye: Council member Nichols, Mayor Pro-Tem Reveal, Deputy Mayor Pro-Tem Maso, Council member Lafata and Council member West. Voting Nay: Council member Allen. Motion carried. 5-1.

It was agreed that the Ordinance would be presented to Council at the same time as the PD, so that both the Ordinance and the PD could be considered at the same time for approval.

23. APPEAL: Public Hearing: Zoning Case Z2002-0007, Consider and act upon approval of a request to rezone 33.3+ acres on the south side of Witt Road, 1,300+ west of F.M. 423 from Agricultural to Single Family-5. Neighborhood #43. Applicant(s): F. Fesharaki & C. Mirbagheri. TABLED 08/20/2002. (Planning – LS)

Council member West moved to open the public hearing. Council member Nichols seconded the motion. Motion carried. Vote: unanimous.

Council member Allen moved to remove the item from the table. Council member Nichols seconded the motion. Motion carried. Vote: unanimous.

Jerry Ragsdale spoke in favor of the request.

There being no one else present to address the council, Council member Allen moved to close the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Mayor Pro-Tem Reveal moved to instruct staff to prepare an ordinance rezoning the property from Agriculture to Single Family-5. Council member West seconded the motion. Voting Aye: Mayor Pro-Tem Reveal, Deputy Mayor Pro-Tem Maso, Council member Allen, Council member West and Council member Lafata. Voting Nay: Council member Nichols. Motion carried. Vote: 5-1.

24. Consider and act upon approval of an amendment to Ordinance 02-02-25 regarding the Installation of Gas Piping Systems. (Building Inspections – DM)

Donnie Mayfield was present to address the Council regarding the installation of gas piping systems in newly constructed homes, specifically shut-off valves and gas flow systems.

Charlie Hall, Don Roberts, Jake Nolen, and Paul Caudero were present to speak against the adoption of the ordinance.

Following discussion, Council member West moved to adopt **Ordinance No. 02-10-122** amending Ordinance No. 02-02-25 (2000 International Fuel Gas Code). Council member Nichols seconded the motion. Motion carried. Vote: unanimous.

25. Consider and act upon approval of an amendment to Ordinance 01-12-97 adding options for Lightning Suppression Systems. (Building Inspections – DM)

Donnie Mayfield and Steve Covington were present to discuss the benefits and need for lightning suppression systems to be offered to new homebuyers.

Tony McQuire, Brian Shirley, Jake Nolen and Paul Caudera were present to speak against the request. All of the individuals indicated they did not have a problem with offering lightning suppression systems, but they did have a problem with the amending the ceiling joist span table.

Following discussion, Council member Allen moved to adopt Ordinance **No. 02-10-123** therein amending Ordinance NO. 02-10-123 amending the 2000 Residential Code regarding lightning suppression systems, hand rails and shut-off valves, **excluding ceiling joist spans**. Council member West seconded the motion. Motion carried. Vote:

26. Zoning and Plats related to Willow Pond:

- a) **Public Hearing: Zoning Case Z2001-0019. Applicant(s): Newman Real Estate and Willow Park Development, LLC. Consider and act upon approval of a request to rezone 19.9+ acres on the northeast corner of Parkwood Boulevard and future John Hickman Parkway from Multi-Family-1 to Planned Development-Multi-Family-1. Neighborhood #30. Consider and act to instruct staff to prepare an Ordinance on the above request. Tabled at the 08/21/01, 09/04/01, 11/20/01, 05/07/02 and 07/16/02 City Council Meetings. (Planning Dept. - DM)**

Mayor Pro-Tem Reveal moved to open the public hearing. Council member West seconded the motion. Motion carried. Vote: unanimous.

There being no one present to address the council, Deputy Mayor Pro-Tem Maso moved to close the public hearing. Council member Nichols seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Council member Allen moved to **deny** the request. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

- b) **Consider and act upon approval of a Concept Plan: Willow Pond - Phase II. Applicant(s): Newman Real Estate and Willow Park Development, LLC. 78 Patio Home lots and three open space lots on 19.9+ acres on the northeast corner of Parkwood Boulevard and John Hickman Parkway. Zoned Multi-Family-1. Requested zoning is Planned Development-Multi-Family-1. Neighborhood #30. Tabled at the 08/21/01, 09/04/01, 11/20/01, 05/07/02 and 07/16/02 City Council Meetings. (Planning Dept. - DM)**

No action was required based on the denial.

27. Public Hearing - Replat & Site Plan: The Trails, Phase 8, Block F, Lot 1. Consider and act upon approval of an amenity center on one lot on 3.5+ acres at the northwest corner of Deep Canyon Trail and Plateau Trail. Zoned Planned Development-75-Single-Family-5. Neighborhood #44. Applicant(s): Kimball West Frisco Ltd. (Planning Dept. - CC)

Mayor Pro-Tem Reveal moved to open the public hearing. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

Director of Planning John Lettelleir updated the Council on staff and the Planning and Zoning's recommendations.

There being no one else present to address the council Council member Lafata moved to close the public hearing. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Council member West moved to approve the Replat and Site Plan of The Trails Phase 8, Block F, Lot 1 subject to:

Site Plan

1. Staff approval of landscape plans.
2. Staff approval of health, pool, and fence permits.

Replat

Additions and/or alterations to the engineering plans as required by the Engineering Department.

Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

28. Public Hearing: Specific Use Permit SUP2002-0017, Consider and act upon approval of a request for a Specific Use Permit for two temporary buildings on 13.5± acres on the west side of Coit Road 230+ feet north of Lebanon Road. Zoned Planned Development-19 – Commercial-1 and Single-Family-4 with a Specific Use Permit-69 for a Church. Neighborhood #25. Applicant(s): Fellowship of Frisco (Planning Dept. - LS)

Mayor Pro-Tem Reveal moved to open the public hearing. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

Doug Mousel was present for questions/answers.

Stan Brasell, representing the application, was present for questions/answers.

There being no one else present to address the council Council member Allen moved to close the public hearing.

Following discussion, Council member Allen made a motion to instruct staff to prepare an ordinance that reflects the following:

1. Ordinance No. 02-08-81, as it exists or may be amended, and
2. The Specific Use Permit for the two temporary buildings being limited to two years.

Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

29. Public Hearing: Zoning Case SA2002-0005, Consider and act upon approval of a request to amend the Subdivision Regulation Ordinance regarding the plat approval process. Applicant(s): City of Frisco (Planning Dept. - MH)

Council member Allen moved to open the public hearing. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

Director of Planning John Lettelleir updated the Council on Staff and the Planning and Zoning's recommendations.

There being no one else present to address the council Deputy Mayor Pro-Tem Maso moved to close the public hearing. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Council member Allen moved to approve ordinance changes subject to identified modifications. Seconded by Council member Maso. Vote: unanimous. As a result, Staff was instructed to prepare an ordinance regarding the amending to the Subdivision Ordinance – plat approval process as follows: **Additions are underlined, deletions are ~~struck through~~.** :

Section 3.03 – Jurisdiction:

Any owner of land located inside the Corporate Limits of the City of Frisco or within its Extraterritorial Jurisdiction wishing to subdivide such land shall submit to the Planning & Development Department ~~and Zoning Commission~~ a plan of the subdivision which shall conform to the minimum requirements set forth in these regulations. A division of land that includes the subdivision of tracts into parts greater than five (5) acres, where each part has access and no public improvement is being dedicated, shall be exempt from these requirements.

Any owner subdividing land outside the Corporate Limits of the City of Frisco, but within its Extraterritorial Jurisdiction shall submit a plan of subdivision to the Planning & Development Department ~~and Zoning Commission and to Collin or Denton County~~ which shall conform to all applicable state statutes, including but not limited to Chapters 42, 43, 212, and 242 of the Texas Local Government Code and the minimum requirements set forth in these regulations, and which is subject to the approval of both.

Section 4.02 – Approval Procedure for Preliminary Plat:

2. The Director of Planning & Development or his/her designee ~~City Staff~~ shall:
 - a. Make a study of plats and materials submitted.
 - b. Request written reports from departments and utilities if deemed necessary.
 - c. Make available plats and reports to Planning and Zoning Commission for review.
 - d. Consult with City Staff and Engineer, Subdivider's Engineer, Telephone Company, Gas Company, Electric Company, Cable TV, School District, as necessary.
 - e. Schedule application for consideration upon agenda of the Planning and Zoning Commission.
3. Planning & Zoning Commission shall:
 - a. Act within thirty (30) days ~~after~~ of the official submittal date ~~filing~~ of preliminary plat unless the applicant agrees to waive their right to approval within thirty (30) days of the filing date.
 - b. Take one of the following actions: ~~Submit one of the following recommendations to the City Council:~~
 - 1) Approve.
 - 2) Approve with conditions.

3) Disapprove.

~~c. Make notes on two (2) copies of the final plat as to action taken.~~

4. ~~City Council shall:~~

~~a. Act within thirty (30) days after the Planning and Zoning Commission has submitted its recommendation unless the applicant agrees to waive their right to approval within thirty (30) days, conclude one (1) of the following:~~

~~1. Preliminary plat approved.~~

~~2. Preliminary plat approved with conditions.~~

~~3. Preliminary plat not approved. The developer may prepare a new submittal and resubmit another application accompanied by new application fees.~~

Section 4.03 – Conditions of Preliminary Plat Approval:

Conditional approval shall be considered to be the approval of a plat once such conditions are fulfilled. All objections made to the preliminary plat, or conditions imposed, shall be furnished to the Subdivider in writing. If no decision is rendered by the Planning & Zoning Commission within the thirty (30) day period described above or such longer period as may have been agreed upon, the preliminary plat, as submitted, shall be deemed to be approved ~~recommended for approval to the City Council~~. Approval of the preliminary plat shall be deemed an expression of approval of the layout only and shall not constitute acceptance of the final plat.

Approval of a preliminary plat expires two (2) years from the date of Planning & Zoning Commission ~~City Council~~ approval. If a final plat application for only a portion of the land subject to the preliminary plat is filed by the end of the two (2) year period, the preliminary plat for the remainder of the land expires on such date. If the final plat application is denied subsequently, and the two (2) year period subsequently lapses or already has lapsed, a new preliminary plat must be approved before another final plat will be considered. In addition, should a final plat application be submitted within the two (2) year period, but not be acted upon by the Planning & Zoning Commission ~~and City Council~~ within the two (2) year period, the preliminary plat shall expire and a new preliminary plat must be approved before another final plat will be considered.

Appeal - The Subdivider, Director of Planning & Development & Development, or four members of City Council may appeal the decision of the Planning & Zoning Commission by submitting a written notice of appeal to the Planning & Development Department. The Subdivider or Director of Planning & Development & Development must submit said written notice of appeal no later than fourteen (14) days from the date of such decision. The City Council shall consider and act on whether it will appeal the Commission's decision at its first regular meeting (for which there is time to post an agenda as required by law) that occurs after the Commission meeting at which the decision was made. Written notice of the City Council's vote to appeal shall be submitted to the

Planning & Development Department within seven (7) days of the City Council's vote. The City Council shall consider the appeal at a public meeting no later than thirty (30) days after the date on which the notice of appeal is submitted to the Planning & Development Department. The City Council may affirm, modify, or reverse the decision of the Planning & Zoning Commission.

Extension - At least thirty (30) days prior to the end of such two (2) year period, the Subdivider may apply in writing to the Planning & Development Department for an extension. The expiration date may be extended by a maximum of twelve (12) months by the Director of Planning & Development or his/her designee. Application for the extension shall be made by submitting a development application to the Planning & Development Department on or before one of the City's official submittal dates for development requests. The application shall be accompanied by a letter detailing the reason for the extension and by the required number of copies of the plat. The Director of Planning & Development or his/her designee will review the application and approve, approve with conditions, or deny the extension within thirty (30) days of the official submittal date. Should the Director of Planning & Development, or his/her designee fail to act on an extension request within thirty days of its submittal, the extension shall be deemed to be approved. In considering an extension, the Director of Planning & Development or his/her designee shall consider the following:

- Has a final plat(s) been submitted and/or approved for any portion of the property shown on the preliminary plat?
- Does the preliminary plat comply with new ordinances that impact the health, safety, and general welfare of the community?
- Is there a need for a park, school, or other public facility or improvement on the property?

Section 4.04 – Approval Procedure for Final Plat:

2. Director of Planning & Development or his/her designee ~~City Staff~~ shall:
 - a. Make a study of the plats, engineering plans, and reports, and submit plans to the City Engineer for written recommendation.
 - b. Request written reports from departments and utilities if deemed necessary.
 - c. Make available plats and reports to Planning and Zoning Commission and the applicant for review.
 - d. Consult with City Staff and Engineer, Subdivider's Engineer, Telephone Company, Gas Company, Electric Company, Cable TV, School District, as necessary.
 - e. Schedule application for consideration upon agenda of the Planning and Zoning Commission.
3. Planning and Zoning Commission shall:

- a. Act within thirty (30) days after of the official submittal date filing of the final plat unless the applicant agrees to waive their right to approval within thirty (30) days of the filing date.
- d. Take one of the following actions: ~~Submit one of the following recommendations to the City Council:~~
 - 1) Approve.
 - 2) Approve with conditions.
 - 3) Disapprove.
- ~~c. Make notes on two (2) copies of the final plat as to action taken.~~
- 4. ~~City Council shall, within thirty (30) days after the Planning and Zoning Commission has submitted its recommendation unless the applicant agrees to waive their right to approval within thirty (30) days, conclude one (1) of the following:~~
 - ~~a. Final plat approved.~~
 - ~~b. Final plat approved with conditions.~~
 - ~~c. Final plat not approved. The developer may prepare a new submittal and resubmit including new application fees.~~
- 5. If the Final plat is approved and all conditional requirements, have been met, within thirty (30) days after City Council approval, the developer or his/her authorized agent must supply to the Planning & Development Department City Secretary of Frisco for filing the required number and size of final plats for filing to obtain the appropriate City signatures, as well as the correct filing fees. These numbers and sizes and fees shall be equal to the filing requirements as defined by Collin and/or Denton County. All assessed water/wastewater, park, and thoroughfare impact fees are due at this time. Upon receiving all of the appropriate City signatures, the developer or his/her authorized agent shall file the plat with Collin and/or Denton County prior to the plat expiring and return the appropriate number of filed plats to the Planning & Development Department within five (5) business days of filing date.

Section 4.05 – Conditions of Final Plat Approval:

No final plat shall be filed unless and until all requirements of the subdivision regulations have been complied with and until such approval conditions have been met. The approval of a final plat supercedes any prior approved preliminary plat for the same land. Expiration of an approved final plat terminates all prior preliminary plat approvals for the same land.

Appeal - The Subdivider, Director of Planning & Development & Development, or four members of City Council may appeal the decision of the Planning & Zoning Commission by submitting a written notice of appeal to the Planning & Development Department. The Subdivider or

Director of Planning & Development & Development must submit said written notice of appeal no later than fourteen (14) days from the date of such decision. The City Council shall consider and act on whether it will appeal the Commission's decision at its first regular meeting (for which there is time to post an agenda as required by law) that occurs after the Commission meeting at which the decision was made. Written notice of the City Council's vote to appeal shall be submitted to the Planning & Development Department within seven (7) days of the City Council's vote. The City Council shall consider the appeal at a public meeting no later than thirty (30) days after the date on which the notice of appeal is submitted to the Planning & Development Department. The City Council may affirm, modify, or reverse the decision of the Planning & Zoning Commission.

Extension - Final approval will expire eighteen (18) months after approval by the Planning & Zoning Commission ~~City Council~~, unless the plat has been filed for record with either Collin and/or Denton County. At least thirty (30) days prior to the end of such eighteen (18) month period, the Subdivider may apply in writing to the Planning & Development Department for an extension. The expiration date may be extended by a maximum of six (6) months by the Director of Planning & Development or his/her designee. Application for the extension shall be made by submitting a development application to the Planning & Development Department on or before one of the City's official submittal dates for development requests. The application shall be accompanied by a letter detailing the reason for the extension and by the required number of copies of the plat. The Director of Planning & Development or his/her designee will review the application and approve, approve with conditions, or deny the extension within thirty (30) days of the official submittal date. Should the Director of Planning & Development, or his/her designee fail to act on an extension request within thirty days of its submittal, the extension shall be deemed to be approved. In considering an extension, the Director of Planning & Development or his/her designee shall consider the following:

- Has the preparation of civil engineering plans progressed, a grading permit been issued, or construction commenced?

Section 4.06 – Combination of Preliminary and Final Plat:

The Subdivider may, at his option, elect to combine the preliminary plat and final plat, whenever the tract of land (i) is to be re-subdivided to affect no more than three (3) lots, (ii) no change of street locations would be required, and (iii) the proposed development will be of the same type of use and of comparable intensity as adjacent existing or planned development. A combined preliminary and final plat shall be processed using procedures for final plats set forth in Section 4.04.

Section 4.07 – Approval Procedure for Replats:

Replatting

Any person who wishes to revise a subdivision plat that has been previously filed for record must make an application of the proposed revised plat to the Planning & Zoning Commission ~~and the City Council~~. The replat of the subdivision shall meet all the requirements for a subdivision that may be pertinent. However, if the subdivision as replatted does not require any appreciable alteration or improvement of utility installations, streets, alleys, building setback lines, etc., then no engineering plans will be required.

A replat of a subdivision or a part of a subdivision may be filed without vacating the prior plat if the replat:

- 1) is signed and acknowledged by only the owners of the property being replatted;
- 2) is approved, after a public hearing on the matter by the Planning & Zoning Commission ~~City Council~~; and
- 3) does not attempt to amend or remove any covenants or restrictions.

1. Special Provisions

- a. If the property to be replatted was limited during the preceding five years, by either interim or permanent zoning classification or deed restriction, to residential use for not more than two residential units per lot, special procedures must be followed prior to approval of a replat. Notice of the required public hearing on the replat must be published in a newspaper of general circulation and written notice of the hearing, with a copy of Section 212.015(c) of the Texas Local Government Code attached, must be sent to owners of lots which are located in the original subdivision and the owners of lots within 200 feet of the lot(s) to be replatted.
- b. If the proposed replat requires a variance to the provisions of this ordinance and is protested, the proposed replat must receive in order to be approved, the affirmative vote of at least three-fourths of the members present of the Planning & Zoning Commission ~~and the City Council~~. For a legal protest, written opposition duly signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet therefrom, but within the original subdivision, must be filed with the Planning & Zoning Commission ~~and the City Council~~ prior to the close of the public hearing. The area of streets and alleys shall be included in the area computations.

2. Procedure for Replats

2. The Director of Planning & Development or his/her Designee ~~City Staff~~ shall:
 - a. Make a study of the plats, engineering plans, and reports, and submit plans to the City Engineer for written recommendation.

- b. Request written reports from departments and utilities if deemed necessary.
 - c. Make available replats and reports to Planning and Zoning Commission and the applicant for review.
 - d. Consult with City Staff and Engineer, Subdivider's Engineer, Telephone Company, Gas Company, Electric Company, Cable TV, School District, as necessary.
 - e. Schedule application for consideration upon agenda of the Planning and Zoning Commission.
3. Planning & Zoning Commission shall:
- a. Hold a Public Hearing.
 - b. Act within thirty (30) days ~~after~~ of the official submittal date filing of the replat unless the applicant agrees to waive their right to approval within thirty (30) days of the filing date.
 - c. Take one of the following actions: ~~Submit one of the following recommendations to the City Council:~~
 - 1) Approve.
 - 2) Approve with conditions.
 - 3) Disapprove.
 - d. ~~Make notes on two (2) copies of the replat as to action taken.~~
4. ~~City Council shall, within thirty (30) days after the Planning and Zoning Commission has submitted its recommendation, unless the applicant agrees to waive their right to approval within thirty (30) days, hold a public hearing and conclude one (1) of the following:~~
- a. ~~Replat approved.~~
 - b. ~~Replat approved with conditions.~~
 - c. ~~Replat not approved. The developer may prepare a new submittal and resubmit including new application fees.~~
5. If the replat is approved and all conditional requirements, have been met, the developer or his/her authorized agent must supply to the Planning & Development Department the required number and size of replats for filing to obtain the appropriate City signatures. These numbers and sizes shall be equal to the filing requirements as defined by Collin and/or Denton County. Upon receiving all of the appropriate City signatures, the developer or his/her authorized agent shall file the replat with Collin and/or Denton County prior to the replat expiring and return the appropriate number of filed replats to the Planning & Development Department within five (5) business days of filing date.

~~If the Replat is approved and all conditional requirements have been met, the developer of his/her authorized agent must supply to the City Secretary of Frisco the required number and size of replats for filing as well as the correct filing fees. These numbers, sizes, and fees shall be equal to the filing requirements as defined by Collin and/or Denton County. For City records, the developer must provide eight (8) 24" x 36" bluelines and one (1) 24" x 36" mylar of the replat with all signatures. The City Secretary shall, within thirty (30) days after City Council approval:~~

- ~~a. 1) For replats located within the Corporate Limits of the City of Frisco, review the replat for proper signature and approval, and record at County Clerk Office.~~
- ~~2) For replats located outside the Corporate Limits of the City of Frisco but within its Extraterritorial Jurisdiction, review the replat for proper signature and approval, and forward copies to the County Judge for action and approval by the Commissioner's Court prior to recording at County Clerk Office.~~
- ~~b. Retain eight (8) copies of the replat stamped as recorded in the County Records for the City files.~~
- ~~c. Distribute copies as directed.~~

Section 4.08 – Amending Plats:

1. The Planning & Zoning Commission ~~City Council~~, upon petition of the property owner or developer, shall approve and issue an amending plat which is signed by the applicants only unless otherwise required to the contrary and which is for one or more of the purposes set forth in this section, and such approval and issuance shall not require notice, hearing, or approval of other lot owners. This subsection shall apply only if the sole purpose of the amending plat is:
 - a. To correct an error in any course or distance shown on the prior plat;
 - b. To add any course or distance that was omitted on the prior plat;
 - c. To correct an error in the description of the real property shown on the prior plat;
 - d. To indicate monuments set after death, disability, or retirement from practice of the surveyor charged with responsibilities for setting monuments;
 - e. To show the proper location or character of any monument which has been changed in location or character or which originally was shown at the wrong location or incorrectly as to its character on the prior plat;
 - f. To correct any other type of scrivener or clerical error or omission as previously approved by the City; such errors and omissions may include, but are not limited to, lot numbers, acreage, street names, and

identification of adjacent recorded plats;

- g. To correct an error in courses and distances of lot lines between two (2) adjacent lots where both lot owners join in the application for plat amendment and neither lot is abolished, provided that such amendment does not:
 - 1. attempt to remove recorded covenants or restrictions;
 - 2. have a material adverse effect on the property rights of the other owners in the plat;
- h. To relocate a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement;
- i. To relocate one (1) or more lot lines between one (1) or more adjacent lots where the owner or owners of all such lots join in the application for the plat amendment, provided that such amendment does not:
 - 1. attempt to remove recorded covenants or restrictions; or
 - 2. increase the number of lots.
- j. To make necessary changes to the prior plat to create six or fewer lots in the subdivision or addition or a part of the subdivision or addition covered by the prior plat if:
 - 1. The changes do not affect applicable zoning and other regulations of the city;
 - 2. The changes do not attempt to amend or remove any covenants or restrictions; and
 - 3. The area covered by the changes is located in an area that the City Council has approved, after a public hearing, as a residential improvement area.

Section 4.10(3.c&d) – Conveyance Plats, Application Procedure and Requirements:

- c. Approval Procedures – ~~Amending plats~~ conveyance plats shall be processed using procedures for final plats set forth in Section 4.04.
- d. Signing and Filing -
 - 1. After the approval of the conveyance plat by the Planning & Zoning Commission ~~City Council~~, and the correction of the conveyance plat as required by the Planning & Zoning Commission ~~City Council~~, the property owner or his/her authorized agent ~~engineer~~ shall supply to the Planning & Development Department the required number and size of conveyance plats for filing to obtain the appropriate City signatures. These numbers and sizes shall be equal to the filing requirements as defined by Collin and/or Denton County. Upon receiving all of the appropriate City signatures, the property owner or his/her authorized agent shall file the plat with Collin and/or Denton

~~County prior to the plat expiring and return the appropriate number of filed plats to the Planning & Development Department within five (5) business days of the filing date. submit filing fees and the required number of copies for filing to the Planning & Development Department for filing with the County. Having submitted all copies and fees, the owner may request a delay of filing for up to six (6) months from the date of approval. Any conveyance plat which has not been filed with the appropriate County within eighteen (18) six (6) months of the date of approval shall be void. Prior to filing with the appropriate County, the property owner may withdraw and void a conveyance plat. Any conveyance plat withdrawn and/or voided must be resubmitted under current regulations and procedures and reapproved by the City Council and filed with the appropriate County. One (1) copy of the recorded conveyance plat will be forwarded to the property owner by the City Engineer.~~

2. No final plat processed and approved in association with a conveyance plat shall be filed without the concurrent filing of the associated approved conveyance plat.

Section 5.02(9,f) – Certificate of Approval:

- f. A Certificate of Approval shall be placed on final plats as follows

Approved this _____ day of _____, 19____ by the Planning & Zoning Commission ~~City Council~~ of the City of Frisco, Texas.

Chairman ~~Mayer~~

City Secretary

Section 6.01 – Park, School Sites, and Public Areas:

Preliminary plats shall designate sites for schools, parks or other public areas as indicated in the Comprehensive City Plan or in accordance with City Policy. The responsible public authority shall acquire such property within one (1) year of the approval of the preliminary plat by the Planning & Zoning Commission ~~City Council~~. Should the responsible public authority not acquire such property within one (1) year of the approval of the preliminary plat by the Planning & Zoning Commission ~~City Council~~, the subdivider may proceed with development of the subdivision as though such area were non-existent.

Section 6.10 – Comprehensive Group Development:

~~A comprehensive group housing development or commercial project including the construction of two or more buildings, together with the necessary drives and ways of access and which is not subdivided into the customary lots, blocks, and streets, may be approved by the City Council if in the opinion of the Council, any departure from the foregoing regulations can be made without destroying the intent of the regulations. Plans for all such developments shall be submitted to and approved~~

~~by the Council after recommendation by the Planning and Zoning Commission, whether or not such plat is to be recorded and no building permits shall be issued until such approval has been given.~~

Section 7.02 – Streets:

7.02 STREETS

Street design requirements are subject to the provisions included in Ordinance No. 01-04-30 Thoroughfare and Circulation Design Requirements, as it exists or may be amended, and the following regulations:

Section 7.02(15) – Partial Streets:

Partial or half streets shall be prohibited, except when essential to the reasonable development of the subdivision in conforming with the other requirements of these regulations, and where the Planning & Zoning Commission Council finds, upon preliminary plat approval, it will be practical to require the dedication of the other one-half of the street when the adjoining property is subdivided. Whenever a partial street exists along a common property line, the other portion of the street shall be dedicated. Where part of a street is being dedicated along a common property line and the ultimate planned width is sixty feet (60'), the first dedication will be thirty-five feet (35'); where the ultimate planned width is seventy-five feet (75'), the first dedication will be forty feet (40').

Section 7.02(16) – Reserve Strips:

Reserve strips controlling access to streets shall be prohibited except where definitely placed in City control under conditions approved by the Planning & Zoning Commission ~~and the City Council~~. When provisional one foot (1') reserves are used along the side or end of streets that abut acreage tracts, the following note shall be used in all such dedication: "One foot (1') reserve to become automatically dedicated for street purposes when adjacent property is subdivided in a recorded plat", and access to dedicated tract is hereby prohibited until such action occurs.

Section 7.02(19) – Access to Major Streets:

Where a subdivision borders on or contains the right-of-way of a freeway, major thoroughfare, drainage way or railroad, the Planning & Zoning Commission ~~and/or the City Council~~ may require a service street parallel to and on both sides of such right-of-way, or they may require that residential or other type land use lots back up to said right-of-way without means of access. However, reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the City under conditions approved by the Commission and the City Council.

Section 7.04(3) – Crosswalks:

Crosswalk easements of fifteen feet (15') in width across blocks exceeding 800 feet in length shall be dedicated where deemed necessary by the Planning & Zoning Commission ~~and/or the City Council~~. In blocks 800 feet or more in length,

there shall be provided near the center of the block a pedestrian walk easement. The walk is to be paved to a width of not less than five feet (5'). Pedestrian walks of not less than four feet (4') shall be provided around the perimeter of all blocks. The sidewalk shall be constructed before a utility service permit will be issued.

Section 7.07(2) – Easement Use

Where necessary for the development of the property, easements shall be retained for poles, wires, conduits, storm sewers, sanitary sewers, water lines, open drains, gas lines or other utilities. Such easements may be required across parts of lots (including side lines) other than as described above, if in the opinion of the City Engineer Planning and Zoning Commission and/or the City Council, same is needed. Any easements so established shall be maintained by the property owner. All easements may be included in the computation of lot sizes, with the exception of drainage easements, which will be in addition to the specified lot size.

Section 7.12 – Variances:

~~The City Council, after a recommendation by the~~ Planning & Zoning Commission may authorize a variance or waiver to provisions of these regulations only when in its opinion, undue hardship will result from strict compliance to the regulations. ~~The~~ Planning & Zoning Commission Council shall take into account the nature of the proposed land use involved and existing uses of the land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the effect of such variance or waiver upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

A. No variance or waiver shall be granted unless the Planning & Zoning Commission Council finds:

1. That there are special circumstances or conditions affecting the land involved or other constraints such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his or her land; and
2. That the variance or waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant, and that the granting of the variance or waiver will not be detrimental to the public health, safety or welfare or injurious to other property in the area; and
3. That the granting of the variance or waiver will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this ordinance.

B. Variances and waivers may be granted only when in harmony with the general purpose and intent of this ordinance so that the public health, safety, and welfare may be secured and substantial justice done. Financial hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.

C. The Planning & Zoning Commission Council shall not authorize a variance or waiver that would constitute a violation of, or conflict with, any other valid ordinance or Comprehensive Plan of the City.

A variance or waiver may be applied for as part of a plat or replat request or as a separate request if the property is already platted. The applicant shall be responsible for providing all necessary information pertinent to the request, including the justification for such variance or waiver.

30. Public Hearing: Zoning Case ZA2002-0021, Consider and act upon approval of a request to amend the Comprehensive Zoning Ordinance regarding the site plan approval process. Applicant(s): City of Frisco (Planning Dept. - MH)

Mayor Pro-Tem Reveal moved to open the public hearing. Council member West seconded the motion. Motion carried. Vote: unanimous.

Director of Planning John Lettelleir updated the Council on staff and the Planning and Zoning's recommendations.

There being no one else present to address the council, Council member Allen moved to close the public hearing. Mayor Pro-Tem Reveal seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Council member Allen made a motion to instruct staff to prepare an ordinance for council's consideration amending the Comprehensive Zoning Ordinance as follows:

Article I, Section 8 – Creation of Building Site:

8.01 No permit for the construction of a building or buildings upon any tract or plot shall be issued until a building site, building tract, or building lot has been created by compliance with one of the following conditions:

- C. The plat or tract is all or part of a site plan officially approved by the Planning & Zoning Commission ~~City Council~~, and compliance has been made with provisions and improvements approved on such site plan for all utility and drainage easements, dedication of streets, alleys and other public improvements required to meet the standards established for the platting of land.

Article II, Section 4.02 – Definitions:

Plat - A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the City of Frisco and subject to approval by the Planning & Zoning Commission ~~and City Council~~ and filed in the plat records of either Collin or Denton County.

Article III, Section 1(9.05)(C) – Patio Home, Usable Open Space Requirements:

- C. Open space areas must be easily viewed from adjacent streets and homes. Open space areas must abut a street on a minimum of 33% of the perimeter of the open space. However, the perimeter street requirement may be reduced to 28% with Planning & Zoning Commission and/or City Council approval of the preliminary plat when:

Article III, Section 1(11.05)(C) – Townhome, Usable Open Space Requirements:

- C. Open space areas must be easily viewed from adjacent streets and homes. Open space areas must abut a street on a minimum of 33% of the perimeter of the open space. However, the perimeter street requirement may be reduced to 28% with Planning & Zoning Commission and/or City Council approval of the preliminary plat when:

Article III, Section 1(12.07)(C)(4) – Multifamily-1, Open Space and Common Building Requirements, Area Requirements:

4. At the time of preliminary site plan approval, the Planning & Zoning Commission and/or City Council may give full or partial credit for open areas that exceed the maximum slope, which are otherwise unusable, or which are less than the required twenty thousand (20,000) square feet specified in Article III, Section 12.07(C)(3). These areas must be determined to be environmentally or aesthetically significant and/or an enhancement to the development or the area.

Article III, Section 1(13.07)(C)(4) – Multifamily-2, Open Space and Common Building Requirements, Area Requirements:

4. At the time of preliminary site plan approval, the Planning & Zoning Commission and/or City Council may give full or partial credit for open areas that exceed the maximum slope, which are otherwise unusable, or which are less than the required twenty thousand (20,000) square feet specified in Article III, Section 13.07(C)(3). These areas must be determined to be environmentally or aesthetically significant and/or an enhancement to the development or the area.

Article IV, Section 1 – Site Plan Requirements:

1.01 PURPOSE

The purpose of the site plan approval process is to establish a procedure for coordinating improvements to properties other than single-family or two-family uses. Through site plan approval, zoning standards and other applicable municipal standards or ordinances that may apply to specific

site development can be uniformly implemented by the Planning & Zoning Commission ~~and City Council~~ for multi-family and nonresidential uses. This procedure is intended to promote, among other items, the efficient and harmonious use of land, safe and efficient vehicular and pedestrian circulation, parking and loading, lighting, screening, and landscaping.

1.02 **GENERAL**

The first plan in the series is a Preliminary Site Plan. This plan presents detailed information on building layout, parking, drives, landscaping, screening and other site improvements. Preliminary Site Plan approval assures the applicant that the general layout is acceptable prior to proceeding with detailed engineering and design work. Site Plan approval is the final step in the process. A Site Plan is a detailed, scaled drawing of all surface improvements, structures and utilities proposed for development. Site plan approval is required prior to a grading release and prior to the issuance building permits. Preliminary Site Plans and Site Plans require review and approval by the Planning & Zoning Commission ~~and City Council~~.

1.05 **SUBMISSION OF APPLICATIONS**

Applications for approval of plans required by this Section must be submitted to the Planning & Development Department. A calendar of official submittal dates for items requiring Planning & Zoning Commission ~~and City Council~~ approval shall be published by the City 30 days prior to the beginning of each calendar year. All applications received on a date other than an official submittal date shall be dated received on the next official submittal date. Applications must be complete for acceptance (See Article I, Section 12).

Article IV, Section 1.07(C) – Preliminary Site Plan, Application Procedure and Requirements:

4. **Standards of Approval** - The Planning & Zoning Commission ~~and City Council~~ may approve, conditionally approve, table or deny a Preliminary Site Plan based on:
5. **Effect** - Approval of a preliminary site plan by the Planning & Zoning Commission ~~and City Council~~ shall constitute authorization by the City for the owner(s) to submit an application for final site plan approval for development of the entire site or a portion thereof provided that the site plan conforms to the preliminary site plan and any conditions attached to its approval. During the time the preliminary site plan remains valid, the location of buildings, landscaped areas, open space, streets, drives, fire lanes, median breaks, curb cuts and parking shall remain fixed except as to permit minor adjustments resulting from subsequent engineering of improvements or to prevent a condition affecting public health or safety which was not known at

the time of approval. Except where authorized by ordinance, a preliminary site plan may not be used to approve an exception to development regulations. Where an approved plan conflicts with an adopted regulation and no variance or exception is expressly approved, the regulation shall apply.

6. **Lapse** - The approval of a preliminary site plan shall be effective for a period of two years from the date that the preliminary site plan is approved by the Planning & Zoning Commission City Council, at the end of which time the applicant must have submitted and received approval of a site plan by the Planning & Zoning Commission City Council. If a site plan is not approved within such two-year period, the preliminary site plan approval is null and void. If site plan approval is only for a portion of the property, the approval of the preliminary site plan for the remaining property shall be null and void. The applicant shall be required to submit a new preliminary site plan for review and approval subject to the then existing regulations.
7. **Appeal** - The applicant, Director of Planning & Development, or four members of City Council may appeal the decision of the Planning & Zoning Commission by submitting a written notice of appeal to the Planning & Development Department. The applicant or Director of Planning & Development must submit said written notice of appeal no later than fourteen (14) days from the date of such decision. The City Council shall consider and act on whether it will appeal the Commission's decision at its first regular meeting (for which there is time to post an agenda as required by law) that occurs after the Commission meeting at which the decision was made. Written notice of the City Council's vote to appeal shall be submitted to the Planning & Development Department within seven (7) days of the City Council's vote. The City Council shall consider the appeal at a public meeting no later than forty-five (45) days after the date on which the notice of appeal is submitted to the Planning & Development Department. The City Council may affirm, modify, or reverse the decision of the Planning & Zoning Commission.

Article IV, Section 1.08(B) – Site Plan, Application Procedure and Requirements:

4. **Standards of Approval** - Where application for site plan approval is made for development defined on an approved, valid preliminary site plan, the Planning & Zoning Commission ~~and City Council~~ may approve, conditionally approve or deny the application based upon the criteria listed below:
6. **Lapse** - The approval of a site plan shall be effective for a period of eighteen (18) months from the date of approval by the Planning

& Zoning Commission City Council, at the end of which time the applicant must have submitted and received approval of engineering plans and building permits. If the engineering plans and building permits are not approved, the site plan approval, together with any preliminary site plan for the property, is null and void. If engineering plans and permits have been approved only for a portion of the property and for improvements, the site plan for the remaining property and/or improvements, together with any preliminary site plan for the property, shall be null and void. The applicant shall be required to submit a new preliminary site plan and, subsequently, a new site plan consistent therewith, for review and approval by the Planning & Zoning Commission City Council subject to the then existing regulations (see Article IV, Section 1.08(B)). Site plan approval shall expire upon completion of the improvements shown on the plan. Subsequent additional development, site modifications and redevelopment shall be permitted in accordance with Article IV, Section 1.12.

7. **Appeal** - The applicant, Director of Planning & Development, or four members of City Council may appeal the decision of the Planning & Zoning Commission by submitting a written notice of appeal to the Planning & Development Department. The applicant or Director of Planning & Development must submit said written notice of appeal no later than fourteen (14) days from the date of such decision. The City Council shall consider and act on whether it will appeal the Commission's decision at its first regular meeting (for which there is time to post an agenda as required by law) that occurs after the Commission meeting at which the decision was made. Written notice of the City Council's vote to appeal shall be submitted to the Planning & Development Department within seven (7) days of the City Council's vote. The City Council shall consider the appeal at a public meeting no later than forty-five (45) days after the date on which the notice of appeal is submitted to the Planning & Development Department. The City Council may affirm, modify, or reverse the decision of the Planning & Zoning Commission.

Article IV, Section 1.09 – Amendments:

At any time following the approval of a preliminary site plan or site plan, and before the lapse of such approval the property owner(s) may request an amendment. Amendments shall be classified as major and minor. Minor amendments shall include corrections of distances and dimensions, adjustments of building configuration and placement, realignment of drives and aisles, layout of parking, adjustments to open space, landscaping and screening, changes to utilities and service locations which do not substantially change the original plan. Any increase of building height or proximity to an adjacent (off-site) residential use shall not be considered a

minor amendment. The Director of Planning & Development or his/her designee may approve or disapprove a minor amendment. Disapproval may be appealed to the Planning & Zoning Commission and City Council (see Article IV, Section 1.08(B)(7) for appeal procedure). All other amendments shall be considered major amendments and will ~~may~~ be considered by the Planning & Zoning Commission ~~and City Council~~ at a public meeting in accordance with the same procedures and requirements for the approval of a plan.

Article IV, Section 1.12 – Additional Development and Redevelopment:

Following the completion of improvements shown on an approved site plan, additional development, site modifications or redevelopment of the site shall be permitted subject to the approval of a revised site plan. Minor expansions and redevelopment may be approved by the Director of Planning & Development or his/her designee under the terms of Article IV, Section 1.09. All other expansions or redevelopment shall require submittal of a revised site plan and the approval of the Planning & Zoning Commission ~~and City Council~~ under the requirements and procedures then in effect.

Article IV, Section 4.07(E) – Rules for Computing Number of Parking Spaces:

- E. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately. Up to fifty percent (50%) of the parking spaces required for a theater or other place of evening entertainment (after 6:00 P.M.), or for a church, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening hours if specifically approved by the Planning & Zoning Commission. Shared parking must be on the same lot. Such approval may be rescinded by the Planning & Zoning Commission ~~City Council~~ and additional parking shall be obtained by the owners in the event that the Planning & Zoning Commission ~~City Council~~ determines that such joint use is resulting in a public nuisance by providing an inadequate number of parking spaces or otherwise adversely affecting the public health, safety, or welfare. A decision by the Planning & Zoning Commission to rescind a shared parking approval may be appealed to the City Council (see appeal procedure in Article IV, Section 1.07).

Article IV, Section 4.08(C) – Location of Parking Spaces

- C. Required parking in the Original Town Commercial District (OTC) shall be reduced by fifty (50) percent of the current parking requirements as they exist or may be amended. If it is determined that due to existing space constraints, the requirements of this Ordinance cannot be met, the Planning & Zoning Commission ~~and City Council~~ may grant a reduction with preliminary site plan approval. No parking will be allowed in the front yard except west of

the Burlington Northern – Santa Fe Railroad where slip roads will be allowed. The slip roads shall be of the same type and design as those constructed as a part of the Frisco Towne Square (south of FM 720).

Article IV, Section 7.04(A) – Area Regulations for Accessory Buildings in Residential and Apartment Districts:

- A. Accessory building yard requirements in the MF-1 and MF-2 Districts shall be the same as the main building unless approved by the Planning & Zoning Commission ~~and City Council~~ on a preliminary site plan for the multi-family development. Accessory building yard requirements for all other Residential Districts for RE through 2F and including MH shall be as set forth in Article IV, Section 7.04(B):

Article IV, Section 9.03 – Front Yard:

- C. Where a building line has been established by a plat approved by the ~~City of Frisco Council~~ or by ordinance prior to the adoption of this ordinance, and such line required is a greater or lesser front yard setback than prescribed by this Ordinance for the district in which the building line is located, the required front yard shall comply with the building line so established by such Ordinance or plat provided no such building line shall be set back less than twenty feet (20').

Article IV, Section 9.04 – Side Yards:

- A. On a corner lot used for one or two-family dwellings, both street exposures shall be treated as front yards on all lots except where one street exposure is designated as a side yard and separated from the adjacent lot by an alley. In such case, a building line shall be designated on the plat approved by the ~~City of Frisco Planning and Zoning Commission~~ containing a side yard of fifteen feet (15') or more. On lots that were official lots of record prior to the effective date of this Ordinance, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the respective district. (See Article VI, Appendix 1, Illustrations #13 and #14)

Article IV, Section 9.11 – Self-Storage and Mini-Warehouse Facilities

The side building lines of a self-storage or mini-warehouse facility may be reduced by approval of the Planning & Zoning Commission ~~and City Council~~ at the time of the preliminary site plan ~~and/or final plat~~ approval. The configuration of the storage units shall be with the doors facing into the site with the rear walls of the units serving as the outer boundary.

Article IV, Section 10.09 – Administration:

Based on the results of the TIA and actions recommended by City Staff the City Engineer, the Planning & Zoning Commission and/or

the City Council, as appropriate, shall take one or more of the following actions...

Council member West seconded the motion. Motion carried. Vote: unanimous.

31. Zoning and Plats related to Acker Elementary Antenna:

- a) **Public Hearing: Specific Use Permit SUP2002-0018, Consider and act upon approval of a request for a Specific Use Permit for a Commercial Antenna and/or Support Structure Over 50 Feet on 5.0± acres on the south side of Hickory Street, 100± feet east of Sixth Street. Zoned Single Family-5 with Specific Use Permit-50 for an Antenna. Neighborhood #20. Applicant(s): AT&T Wireless (Planning Dept. - MH)**

Mayor Pro-Tem Reveal moved to open the public hearing. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

Director of Planning John Lettelleir updated the Council on staff and the Planning and Zoning's recommendations.

There being no one else present to address the council, Deputy Mayor Pro-Tem Maso moved to close the public hearing. Council member Lafata seconded the motion. Motion carried. Vote: unanimous.

Following discussion, Council member Lafata made a motion to direct staff to prepare an ordinance for their consideration granting a Specific Use Permit for a Commercial Antenna and/or Support Structure over 50 feet. Deputy Mayor Pro-Tem Maso seconded the motion. Motion carried. Vote: unanimous.

- b) **Consider and act upon approval of a Revised Site Plan: Acker Elementary School, Block A, Lot 1, An elementary school and a Commercial Antenna and/or Support Structure Over 50 Feet on 5.0± acres on the south side of Hickory Street, 100± feet east of Sixth Street. Zoned Single Family-5 with Specific Use Permit-50 for an Antenna. Neighborhood #20. Applicant(s): AT&T Wireless Services, Inc. (Planning Dept. - MH)**

Director of Planning John Lettelleir updated the Council on staff and the Planning and Zoning's recommendations.

Following discussion, Council member Lafata moved to approve the revised site plan subject to:

1. City Council approval of the ordinance for SUP2002-0018, and
2. Staff approval of the landscape plan.

Seconded by Deputy Mayor Pro-Tem Maso. Vote: Unanimous

32. Consider and act upon appointing an advisory body with the responsibility of developing and recommending an improvement plan to the City Council pursuant to Section 372.008 of the Local Government Code based on the Petition for Establishment for Public Improvement District filed by Panther Creek Ventures, Ltd. on September 30, 2002 for the Panther Creek property as defined in the Petition

Richard Abernathy advised the Council on the responsibilities of developing and recommending an improvement plan to the City Council pursuant to Section 372.008 of the Local Government Code based on the Petition for Establishment for Public Improvement District filed by Panther Creek Ventures, Ltd. on September 30, 2002 for the Panther Creek property as defined in the Petition.

Mr. Abernathy stated the advisory board should have: 1) the owner or the owner's representative (Carey Cobb), 2) two council representatives and 3) two staff representatives.

Following discussion, the Council appointed Mayor Pro-Tem Reveal and Council member Nichols as the Council's Representatives on the advisory board.

33. Consider and Act on authorization to send letter to Frisco - Denton County residents concerning Denton County Transportation Authority

Following discussion, Council member West moved to authorize the Staff to send a letter to the residents of Frisco (Denton County) regarding the election concerning the Denton County Transportation Authority subject to: 1) Approval of the letter by legal staff and 2) approval by the Texas Ethics Commission. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

34. Consider and act upon adoption of a Resolution authorizing the City Manager to execute an Agreement for the Library Lease for Frisco Square. (City Manager/GP)

Following discussion, Mayor Pro-Tem Reveal moved to **table** action. Council member West seconded the motion. Motion carried. Vote: unanimous.

35. Governance Agenda:

Monthly Governance Monitoring Reports – Discussion only, no formal action was taken.

36. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code

Deputy Mayor Pro-Tem Maso moved to recess into Closed Session at 12:45 a.m. Council member Allen seconded the motion. Motion carried. Vote: unanimous.

Mayor Simpson announced the Council was in Closed Session at 12:45 a.m. as authorized by the T.G.C., to wit:

- a. Section 551.086. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
- b. Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:
 - i. south of Eldorado Parkway, north of Stonebrook Parkway, east of Teel Parkway, and west of SH 289.
 - ii. south of Stonebrook Parkway, north of Wade Blvd., east of Parkwood Blvd., and west of Preston Road.
 - iii. south of FM 3537, north of Rolater Road, east of Preston Road, and west Hillcrest Road.
- c. Section 551.074. Evaluation of City Manager.

37. Reconvene into Regular Session and take any action necessary as a result of the Closed Session

Mayor Pro-Tem Reveal moved to reconvene into Regular Session at 1:25 a.m. Council member West seconded the motion. Motion carried. Vote: unanimous. No action was taken as a result of the Closed Session.

38. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda

Discussion only, no formal action was taken.

39. Discussion on Governance Monitoring of present City Council Meeting.

Council member West monitored the meeting. Discussion only, no formal action was taken.

40. Adjourn

There being no additional business, the meeting was adjourned at 2:00 a.m.

E. Michael Simpson, Mayor

ATTEST:

Nan Parker, City Secretary